

REMARKS

In response to the Office Action dated July 19, 2010, Applicant hereby elects the species of Group I with traverse.

In the Office Action, the Examiner identifies the following species that are not so linked as to form a single general inventive concept under PCT Rule 13.1 and require Applicant to elect one of the species for further prosecution:

Group I providing a closure comprising a sealing disc having a second extremely flat surface for engaging a first extremely flat surface and an annular resilient membrane positioned between the sealing disc and a part of the first extremely flat surface; and

Group II providing a closure comprising a sealing disc having a second extremely flat surface for engaging a first extremely flat surface, there being no annular resilient membrane positioned between the sealing disc and a part of the first extremely flat surface.

The Office Action asserts that claims 28-33, 37-40, 43-52, 54, and 55 correspond to Group I and claims 34-36 and 41-43 correspond to Group II. Applicant submits that all of claims 28-52, 54, and 55 are readable on Group I since claims 34-36 and 41-43 are dependent upon independent claim 28 and, therefore, incorporate the subject matter of claim 28 as to an annular resilient membrane positioned between the sealing disc and part of the first extremely flat surface.

Applicant submits that the Restriction Requirement set forth in the Office Action is improper as there is no serious burden on the Examiner to continue examination of both of the identified species. Applicant notes that the Examiner has already undertaken examination of all of the identified species and all of claims 28-52, 54, and 55 and has already searched all of these claims and, further, that no amendments were presented in the previous Amendment filed on April 26, 2010, that would give rise to such a Restriction Requirement at this stage in prosecution. As such, Applicant respectfully submits that examination of both Groups I and II does not constitute a serious burden.

In view of the foregoing, Applicant respectfully requests that the outstanding Restriction Requirement be withdrawn and pending claims 28-52, 54, and 55 be examined at this time. Further, Applicant submits that even if the restriction between the species of Groups I and

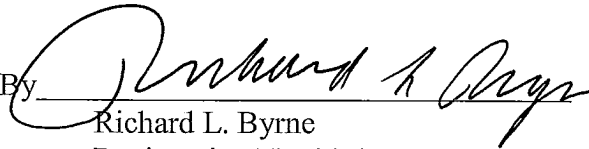
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It is maintained, all of pending claims 28-52, 54, and 55 correspond to Group I and are, therefore, pending for examination at this time.

Applicant expressly reserves the right to file one or more divisional patent applications on any of the non-elected groups or species as identified in the Office Action.

Present examination of pending claims 28-52, 54, and 54 is hereby respectfully requested.

Respectfully submitted,
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